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TAGS: [PGOV](#) [KTIA](#) [PBTS](#) [CA](#)
SUBJECT: ONTARIO FIRST NATIONS FRUSTRATED WITH WHTI

Sensitive But Unclassified - protect accordingly.

11. (SBU) Summary: Representatives of the Association of Iroquois and Allied Indians (AIAI) expressed concern to Conoff and Poloff on December 1 about how implementation of the Western Hemisphere Travel Initiative (WHTI) at the land border would affect the ability of Canadian First Nations members to enter the U.S. Considerable confusion exists among First Nations as to what documentation will be required. AIAI chiefs suggested that First Nations should be allowed to produce their own documentation in lieu of a passport or a Canadian version of the "passcard." Conoff noted that U.S. or Canadian passports are the easiest to obtain and are the most secure method of documenting citizenship and identity for border crossing purposes. While the assembled chiefs thought USG outreach efforts on WHTI were inadequate, they also reported that Canadian government outreach to First Nations on the issue is practically nonexistent. End Summary.

12. (SBU) The AIAI chiefs, who collectively represent the largest First Nations organization in Ontario, reported that they and their membership remain confused as to how the WHTI would affect their right to free transit across the U.S.-Canadian border. Conoff responded that while U.S. law and the Jay Treaty allow certain First Nations and Native Americans free passage across the border, neither law nor treaty exempt them from documentation requirements. He noted that U.S. or Canadian passports are the easiest to obtain and are the most secure method of documenting citizenship and identity for border crossing purposes. Poloff and Conoff explained that the U.S. plans to begin issuing a secure passport card to U.S. citizens and encouraged the chiefs to work with the Canadian federal government regarding an equivalent, or alternatively, to explore the possibility of a secure passport-equivalent version of the Canadian First Nations status card. The chiefs reacted coolly to this suggestion, arguing that their tribes should be treated as sovereign nations capable of producing their own documentation. Conoff did not respond to this suggestion, noting that the Canadian government had not yet made plans for a passport alternative. In response to questions about the timeline and mechanics of WHTI land border implementation, Poloff and Conoff encouraged the AIAI to use the federal comment period to make their views known.

13. (SBU) The chiefs also complained about occasional perceived rude or unfair treatment at border crossings by U.S. Customs and Border Protection (CBP) and Canadian Border Services Agency personnel. They offered to provide training and education to CBP officers. According to the AIAI the 50% blood quantum required by U.S. law for passage across the border is inherently unfair, as their tribes are culturally, not racially based. Further, they wondered whether their Canadian status cards would be sufficient proof of Native American ancestry to cross the border, given the 50% blood quantum requirement of U.S. law. On balance the chiefs reported a better relationship with U.S. authorities, due mainly to the Canadian refusal to recognize the Jay Treaty at all.

14. (SBU) COMMENT: The meeting, organized at the request of the

chiefs, was cool, though cordial, as the chiefs questioned the new WHTI rules while aggressively defending what they view as their tribal and treaty rights. Much of their dissatisfaction is directed toward the Canadian government, which they perceive as unresponsive to their concerns about the border. The chiefs asked to be informed when the comment period opens for WHTI land border implementation rules and sought assurances that their concerns would be taken seriously. They also urged more frequent outreach efforts from the USG. Like the Canadian populace at large, Ontario First Nations remain apprehensive and skeptical about the effect of the new border security regulations on their accustomed routine. END COMMENT.

NAY